

## REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-11 were pending in this application. Claims 1, 3, and 10 have been amended and new claim 12 has been added. Accordingly, claims 1-12 will be pending herein upon entry of this Amendment, of which claims 1, 3, and 10 are independent claims. Support for the amendment to each of the claims and new claim 12 can be found, for example, at page 9, lines 11-22, page 13, line 18 to page 14, line 7, and page 16, lines 26-37 of the present application. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1-8 and 10-11 were rejected under 35 U.S.C. 102(e) as being anticipated by Frerichs et al. (“Frerichs”). Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Frerichs and Ikezoye et al. (“Ikezoye”). To the extent these rejections might still be applied to claims presently pending in this application, they are respectfully traversed.

Amended claim 1 relates to a method for server side insertion of content into streaming media that comprises, among other things, “substituting, in response to a signal associated with the content desired by the user, packets of content to be inserted for packets of the content desired by the user based on a playlist file on the streaming server determined by a decision server.” Amended claim 3 recites establishing an offset between the starting point of the break and an initial packet of the perfetched content the offset being subtracted from a timestamp associated with the initial packet of the perfetched content. Regarding amended claim 10, the

system for inserting content into streaming media further comprises a schedule engine providing an interface between the insertion plugin and the decision server for making a request to the decision server, receiving and parsing a playlist file from the decision server, and downloading content associated with the playlist file.

Applicants respectfully submit that neither Frerichs nor Ikezoye teaches or suggests at least the “playlist” feature of amended claim 1, the “offset” feature of amended claim 3, and the “schedule engine” of amended claim 10. As described at, for example, page 12, line 34 to page 14, line 13 of the present invention, in a live broadcasting, once a control signal LibPrepare is sent, schedule engine 250 starts an asynchronous request to decision server 255. Decision server 255 in turn evaluates all of the parameters and attributes passed in, and selects a list of static content to insert into a local insert break (LIB). The list is then sent back to schedule engine 250 where schedule engine 250 parses and finds all “copy” elements of the list. Once all “copy” elements are downloaded, insertion plugin 130 then executes the insertion process in a data stream. For on-demand broadcasting, decision server 255 returns a playlist file to schedule engine 250. The playlist file may include different types of items to play or execute, which are exemplarily described at page 16.

The matching of the timing of the inserted context with breaks in the data stream is described with reference to Figures 7 and 8 of the specification. At least as described at, for example, page 18, lines 20-31, each packet in the data stream has an associated timestamp. If the content to be insert, such as local file packets, has an initial time that is not 0, an offset is

determined and subtracted from the timestamp associated with each packet so that it is effectively 0.

In Frerichs, to insert advertisements, a flag is provided between a first audio data and a second audio data that comprises advertisement indication and delay at the server location. The flag is data that indicates where an advertisement is to be inserted. The flag can also contain other information, such as the length of the advertisement, current content type (e.g. music/talk), and current ad frequency on this streams (e.g., 2 per hour). The method then transfers the flagged first audio data and second audio data from server location to client location as streaming audio. Next, the method retrieves an advertisement 515 from storage 527. In some cases, the method may buffer 315 the advertisement and then provide it for insertion into the streaming audio.. In operation, the method monitors the streaming audio for the flag. Once the flag is found, the method inserts the advertisement between the first audio data and the second audio data. (See col. 6, line 57 to col. 8, line 5 and col. 13, lines 22-60.)

Frerichs fails to teach or suggest “substituting, in response to a signal associated with the content desired by the user, packets of content to be inserted for packets of the content desired by the user based on a playlist file on the streaming server determined by a decision server”, as recited in amended claim 1. Frerichs also fails to teach or suggest a schedule engine that provides “an interface between the insertion plugin and the decision server for making a request to the decision server, receiving and parsing a playlist file from the decision server, and downloading contents associated with the playlist file”, as recited in amended claim 10. Furthermore, according to the description of Frerichs with reference to Figure 3 that relates to a

data insertion method, Frerichs fails to teach or suggest “establishing an offset between the starting point of the break and an initial packet of the perfetched content, and the offset being subtracted from a timestamp associated with the initial packet of the perfetched content, removing from the data stream packets representative of the break; inserting the perfetched packets into the data stream; and adjusting the time of at least one inserted packet to match the time of at least one removed packet.” The flag in Frerichs may include data indicating where the advertisement is to be inserted and the delayed time, but nowhere does Frerichs teach or suggest “establishing an offset . . . , and adjusting the time of at least one inserted packet to match the time of at least one removed packet,” as recited in amended claim 3.

The Examiner asserted that Ikezoye teaches a playlist. Applicants respectfully traverse this assertion. As described in col. 9, lines 34-51 of Ikezoye, clients 52a through 52n communicate with lookup server 54 using the HTTP to request the retrieval of content-related information. Before transmitting the content-related information to the clients, the information is first wrapped using “XML” tags or other appropriate programming, scripting, or markup language. The appropriate client media player upon receiving the transmission from the lookup server 54 unwraps the signal for processing therein by the client engine. The retrieved content-related information, however, is not the file on the streaming server determined by a decision server, as recited in amended claim 1, and similarly recited in claim 10. Ikezoye does not relate to a method and a system for server side insertion of content into a streaming media or a method for matching the timing of content inserted into a data stream with breaks in the data stream. Therefore, it would not have been obvious and there is no motivation for one skilled in the art to

combine the XML tags of Ikezoye into the method of Frerichs to achieve the method and system of the present invention.

Accordingly, Applicants respectfully submit that amended claims 1, 3, and 10 are not anticipated by Frerichs and are patentable over Frerichs in view of Ikezoye. Dependent claims 2, 4-9, and 11-12 are also considered as being patentable at least due to their dependencies from patentable independent claims.

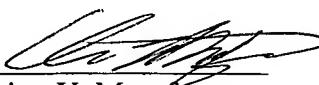
In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

PILLSBURY WINTHROP SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7900

Respectfully submitted,  
DAVID COOK ET AL.

Date: April 12, 2005

By:

  
Wan-Ching Y. Montfort  
Registration No. 56,127

LDE/CYM/dkp

Customer No. 28970

Document #: 1319466 v.1